

USSN 10/690,680

Response

REMARKS/ARGUMENTS

The Applicants note the mistake in the Information Disclosure Statement pointed out by the Examiner. A secondary Information Disclosure Statement will be submitted to correct the mistake.

Claims 1-8 were rejected on a 35 U.S.C. § 102(b) as being anticipated by Matteodo (U.S. 5,132,344). The Examiner states that Matteodo teaches film blowing a composition containing a first linear low density polyethylene resin and 100 ppm by weight of zinc oxide particles having a mean particle size of 0.05 microns. The Examiner states that the intended use language in Claim 1 is only given patentable consideration to the extent that it affects the claimed method. The Examiner later states that the film forming process of Matteodo would result in a film that would inherently have stretch wrap film properties. The Applicants respectfully traverse this rejection.

Matteodo fails to teach all of the claim limitations of the pending claims, either expressly or inherently. Specifically, Matteodo fails to teach or suggest that the formed film is a stretch wrap film. Furthermore, in contrast to the Examiner's position, the process disclosed in Matteodo would not inherently result in stretch wrap film properties. Inherency of an undisclosed element can only be established by showing that inherency is necessary and inevitable and not merely possible or even probable. *See Interchemical Corp. v. Watson*, 111 USPQ 78, 79(d) (D.C. 1956), *aff'd* 116 USPQ 119 (D.C. Cir. 1958). However, as well known in the art, "The properties of a stretch film obtained are dependent upon a large number of variables, such as the extrusion process, film thickness, monolayer or multilayer film, cooling rate, blow up ratio and stretch ratio." *See* U.S. 6,413,346 B1, column 1, lines 23-26. In addition, as also well-known in the art, the stretch films are normally subjected to downstream orientation processes such as tenter frames or a double bubble process. As Matteodo fails to teach that they control these variables such that a stretch film will be achieved, the film of Matteodo is not necessarily and inevitably a stretch film. Therefore, the Examiner's statement that the Matteodo film is inherently a stretch film is an error. Consequently, the disclosure of

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Matteodo does not teach all of the limitations of the current claims and, as such, fails to anticipate the current claims under § 102(b).

Claims 1-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by McKinney (U.S. 4,430,289). As in the above rejection, the Examiner states as to Claims 1 and 5 that the intended use language is only given patentable consideration to the extent that it affects the claimed method. Again, the Examiner relies on inherency to argue that the film of McKinney has stretch wrap film properties. The Applicants believe that the inherency arguments stated above hold equally well to this rejection. Furthermore, the objective of the McKinney process is actually the opposite of the currently claimed method. McKinney discloses blown films having reduced block and reduced slip. See the Abstract. McKinney defines blocking as the tendency of film to stick to itself and slip as the coefficient of sliding friction. In other words, McKinney is trying to prevent adjacent layers of the film from sticking to each other. In contrast, the current claims are a method to improve the cling force of a stretch wrap because "two stretch film layers should cling together with an adequate level of cling force to prevent the stretch film from unwrapping during handling and transportation." See page 1 of the current disclosure, lines 5 and 6. Clearly, the stretch wrap properties of the current invention are not only not inherent in McKinney, but the improved cling force is actually contrary to the teachings of McKinney. Therefore, current Claims 1-6 are not anticipated by McKinney et al.

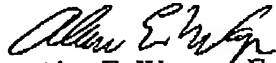
The Examiner rejected Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over McKinney in view of Ealer (U.S. 4,594,213). The Applicants traverse this rejection because of the failure of McKinney to expressly or inherently disclose all elements of Claim 5 to which Claim 8 is dependent.

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The Applicants believe that the claims are patentable for the reasons stated above. The Applicants therefore request that the Examiner reconsider and withdraw his rejections and issue a Notice of Allowance.

Respectfully submitted,



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